

United States Bankruptcy Court
Eastern District of Virginia
Alexandria Division

In Re:
Bahram Afshar
Debtor

BCN#: 17-13654-BFK
Chapter: 13

LEHMAN XS TRUST MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES
2006-2N, U.S. Bank National Association,
as Trustee
Movant/Secured Creditor,

v.
Bahram Afshar
Debtor
Sophie Afshar
Codebtor
and
Thomas P. Gorman
Trustee
Respondents

**ORDER GRANTING IN REM RELIEF FROM STAY AND CODEBTOR STAY AS TO
REAL PROPERTY COMMONLY KNOWN AS 13080 PARK CRESCENT CIR.,
FAIRFAX VA 20171**

THIS MATTER WAS before the Court on the 17th day of January, 2018, on the Motion of
LEHMAN XS TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-2N,
U.S. Bank National Association, as Trustee to modify the automatic stay; it is

Gregory N. Britto, Esquire
VSB #23476
William M. Savage, Esquire
VSB #26155
Malcolm B. Savage, III, Esquire
VSB #91050
Thomas J. Gartner, Esquire
VSB #79340
Mary F. Balthasar Lake, Esquire
VSB #34899
Leonard C. Tengco, Esquire
VSB #76395
Shapiro & Brown, LLP
501 Independence Parkway, Suite 203
Chesapeake, Virginia 23320
(703) 449-5800
16-260417

Ordered that the automatic stay imposed by 11 U.S.C. §362 and codebtor stay 11 U.S.C. § 1301(a) the argument of counsel, and the record herein; and

IT APPEARING to the Court, that the Movant is entitled to relief from the automatic stay of 11 U.S.C. § 362(a) for cause pursuant to sub-section (d)(1); and

IT FURTHER APPEARING to the Court, based on a review of the pleadings and argument of counsel, that the filing of the petition herein was part of a scheme to delay, hinder, or defraud creditors which involved multiple bankruptcy filings affecting the real property described hereinafter.

IT IS, HEREBY, ADJUDGED, ORDERED, AND DECREED that the automatic stay imposed by 11 U.S.C. § 362(a) is modified to permit the movant and its successors and assigns to enforce the lien of its deed of trust as it pertains to the real property located at 13080 Park Crescent Cir, Herndon, VA 20171, and is more particularly described as follows:

Lot 144, Section 1-B-3, WOODLAND PARK, as the same appears duly dedicated, platted and recorded in Deed Book 10501, Page 1557, among the Land Records of Fairfax County, Virginia. which relief shall extend to the purchaser at the foreclosure sale to allow the purchaser to take such action under state law, as may be necessary, to obtain possession of the property.

IT IS, FURTHER ADJUDGED, ORDERED, AND DECREED, that an equitable servitude be created for a period of 180 days from entry of this Order, so that in the event of a future filing by the Debtor, or any other person or entity claiming an interest in the property, the automatic stay of 11 U.S.C. § 362(a) and the codebtor stay of 11 U.S.C. § 1301(a) shall not attach to the subject property and shall not create a stay as to this secured creditor and the enforcement of its security interest in the subject property.

Jan 30 2018

Date

/s/ Brian F. Kenney

The Honorable Judge Brian F. Kenney
United States Bankruptcy Judge

Notice of Judgment or
Order Entered on Docket 1/30/2018

I ask for this:

/s/ Malcolm B. Savage, III

Gregory N. Britto, Esquire
Malcolm B. Savage, III, Esquire
William M. Savage, Esquire
Thomas J. Gartner, Esquire
Mary F. Balthasar Lake, Esquire
Leonard C. Tengco, Esquire
Counsel for Movant

I certify that I have served the proposed Order upon all necessary parties to the action by first class mail, postage prepaid, on the 26th day of January, 2018.

/s/ Malcolm B. Savage, III

Gregory N. Britto, Esquire
Malcolm B. Savage, III, Esquire
William M. Savage, Esquire
Thomas J. Gartner, Esquire
Mary F. Balthasar Lake, Esquire
Leonard C. Tengco, Esquire
Counsel for Movant

Copies are to be sent to:

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